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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,545	09/10/2003	Seung-Gyun Bae	45703	3251

7590 07/28/2010

Peter L. Kendall
Roylance, Abrams, Berdo & Goodman, L.L.P.
Suite 600
1300 19th Street, N.W.
Washington, DC 20036

EXAMINER	
MENDOZA, JUNIOR O	

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
07/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/658,545	BAE ET AL.	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-18*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1, 8, 13, 14 and 15, applicant argues that Jang in view of Kwon do not teach "a format scaler for scaling a size of video data to a predetermined frame size on the basis of synchronous signals from a decoder".

However, the examiner respectfully disagrees with the applicant. Jang discloses a portable telephone device which receives television content including video, audio and a sync signal, page 11 lines 12-16 and figure 1. While the synchronization signal of Jang in used to superimpose messages of the television signal where the video signal is resized as shown in figures 3A and 3B, it is of common knowledge in the art to use a sync signal to control a format scaler as recited by Kwon. The Kwon reference was provided as evidence to support the examiner's obviousness rationale to teach the common knowledge of implementing "a sync signal to control a scaler".

The reference of Kwon clearly teaches a vertical expander 28 which modifies an image to fit a display unit, where the device operates depending on various timing signals generated by a timing generator 24 and LCD driver 12, where the timing signals are a horizontal synchronization signal and a vertical synchronization signal, see col. 5 lines 14-17, 24-27, 43-48 and col. 6 lines 58-61.

Furthermore, the applicant's assumption stating that Kwon does not receive synchronous signals is wrong since Kwon clearly teaches that the system is a mobile device able to receive television content, col. 1 lines 38-58 figure 3; in addition Jang already discloses the reception of sync signals over a tuner. The reception of television content allows LCD driver 12 to extract timing signals CKV1, HD and VD indicating the mode (i.e. NTSC or PAL) and horizontal/vertical synchronization signals which control timing generator 24 and vertical expander 28 in order to reproduce an image for the viewer, col. 5 lines 14-36.

The test for combining references in what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art; since, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. The modification of Jang by the teachings of Kwon would have produced a predictable result of controlling the size of the received television picture signal. Therefore, the combination of Jang and Know clearly discloses "a format scaler for scaling a size of video data to a predetermined frame size on the basis of synchronous signals from a decoder". In addition, in order to advance prosecution the examiner has cited pertinent art which clearly show examples and teachings of a decoded sync signal used to control a television picture scaler, see below.

In order to advance prosecution the examiner also cited Park (Pub No US 2004/0100578 or WO 02/17613 published Feb. 28, 2002), which discloses a control section 53 for controlling scaler 46 to adjust the size of the television picture according to the horizontal/vertical sync signals separated by the sync separating section 51; see figure 3 and paragraphs [0002] [0027]. In fact, paragraph [0002] clearly discloses "a control section 22 for controlling the scaler 16 to adjust the position and size of the sub picture, controlling the video processing section 18 to video-process the main picture signal according to the horizontal/vertical sync signals separated by the sync separating section 21". Hence, Park evidently teaches the reception and extraction of a sync signal used to control the video presentation by adjusting the position and size of the video presentation by means of scaler 16..